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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,804	06/12/2006	Kiyotaka Matsuda	KOD177B.001APC	6973

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EXAMINER	
MOMPER, ANNA M	

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
08/27/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/595,804	**Applicant(s)** MATSUDA ET AL.	
	Examiner ANNA MOMPER	**Art Unit** 3657	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *2-13*.
   Claim(s) withdrawn from consideration: *1*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Bradley T King/
Primary Examiner, Art Unit 3657

Continuation of 3. NOTE: The amendments to claim 2 and claim 10 introduce the limitation "no canvas is formed on the helical teeth nor on a surface between the helical teeth, this limitation changes the scope of claims 2 and 10 resulting in a change of scope of the dependent claims (claims 3-9 and 11 and 12) which did not previously recite the limitation, therefore requiring further search and/or consideration by the examiner .

Continuation of 11. does NOT place the application in condition for allowance because: Uehara et al. was used in the previously presented claim 13 to teach in the limitation "no canvas formed on the helical teeth". The Uehara et al. reference discloses a helical belt. Without convincing evidence from the applicant that a canvas would be found on the belt of Uehara et al., the examiner maintains that Uehara et al. discloses a helical belt wherein no canvas is located on the helical teeth, and further that it is well known to one of ordinary skill in the art at the time of the invention to choose to either include or not include a belt in order to affect the friction between the belt and the pulley. For this reason this reason, the examiner maintains that having "no canvas formed on the helical teeth" would be obvious in view of the prior art disclosed. The applicant further argues that Kimura is silent as to the presence of surface irregularities created by the core cord twist. The examiner feels that the disclosure of Kimura discloses core cords 2 which are located adjacent to the space between teeth such that the core cords would have an impact on the surface condition of elastomeric portion of the body, and that this feature would be further evidence in the omission of a canvas on the teeth as taugh by Uehara et al., and that neither reference need explicitly disclose it for the feature to be present

. The applicant further argues that One et al. discloses an equation to determine twist angle of the reinforcement cords for a V-ribbed belt which is a different type of belt from the helical syncronous belt and that thrust force is irrelevant to the belt of Onoe et al. and that there is no reason to combine Kimura and Onoe et al. The examiner disagrees. The prior art need not teach the feature for the same reason as the claimed invention for the prior art to read or be an obvious modification thereof. Onoe et al. teaches an optimization of twist angle in order to decrease oscillation of the belt which would still be motivation for one to include such a teaching with regards to a helical synchronous belt. The applicant further argues that "Fig. 7 and Fig. 9 show the relationship between oscillation of the belt and the angle of final twist [alpha] not [gamma]. The relationship between oscillation of the fan belt and the angle of final twist [alpha] of the single yarn 11 is unrelated to and has no rational connection to resistance to thrust force in a helical synchronous belt". The examiner once again notes that the motivation to modify need not necessarily be the same as that of which the claimed invention uses. Just because the twist angle is optimized for reduction of oscillation does not mean that it is not obvious to modify. Further, it is pointed out that the angle gamma is related to the selection of angle alpha as the selection final twist multiplier Kp is directly related to the twist angle gamma and that such a selection impacts oscillation of the belt which is graphed in Fig. 7-Fig. 9 wherein angle of twist alpha is graphed against the oscillation of the belt for various values of selected twist multipliers Kp which correspond to a twist angle gamma. Therefore the examiner believes the Onoe et al. does in fact disclose an optimization of the final twist angle of the core cords such that it would be obvious for one of ordinary skill in the art to modify the angle in order to optimize for oscillation of the belt.